



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

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www.deq.state.va.us

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

June 16, 2003

Virginia Department of Corrections
c/o Ian Frost, AICP, CEP
EEE Consulting, Inc.
POB 354
Montpelier, VA 23192

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Joint Permit Application Number 02-2288
James River Correctional Center Water System Improvements, Goochland
County, Virginia
Final VWP Individual Permit

Dear Mr. Frost:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulation 9 VAC 25-210-10 and § 401 of the Clean Water Act Amendments of 1977, Public Law 95-217, the Department of Environmental Quality (DEQ) has enclosed the original VWP individual permit for the above-referenced project.

The provisions and conditions contained therein according to § 401(a)(1) of the Clean Water Act requires that:

"Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge in the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this Act."

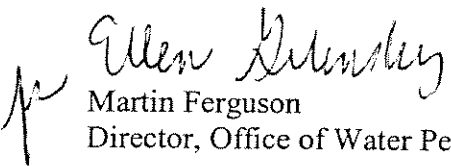
This permit is valid for 15 years from the date of issuance. No re-issuance or extension of the permit may occur as the permit term cannot exceed the maximum of 15 years.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 calendar days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Environmental Quality. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, any owner under §§62.1-44.16, 62.1-44.17 and 62.1-44.19 of the State Water Control Law aggrieved by any action of the board taken without a formal hearing, or by inaction of the board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the board. Said petition must meet the requirements set forth in §1.23(b) of the board's Procedural Rule Number 1 (9 VAC 25-230-10 et seq. of the Virginia Administrative Code). In cases involving actions of the board, such petition must be filed within 30 calendar days after notice of such action is mailed to such owner by certified mail.

If you have any questions, please contact Brenda Winn at (804) 698-4516.

Sincerely,


Martin Ferguson
Director, Office of Water Permit Program Support

Enclosures: Permit Cover Page, Part I - Special Conditions, Part II - General Conditions

cc: Silvia Gazzera, U.S. Army Corps of Engineers
Jeff Madden, Virginia Marine Resources Commission



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VWP Individual Permit Number 02-2288

Issuance Date: June 16, 2003

Effective Date: June 16, 2003

Expiration Date: June 16, 2018

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

VIRGINIA WATER PROTECTION PERMIT ISSUED PURSUANT TO THE STATE WATER CONTROL LAW AND SECTION 401 OF THE CLEAN WATER ACT

Based upon an examination of the information submitted by the owner and in compliance with § 401 of the Clean Water Act as amended (33 USC 1251 et seq.) and the State Water Control Law and regulations adopted pursuant thereto, the State Water Control Board (Board) has determined that there is a reasonable assurance that the activity authorized by this permit, if conducted in accordance with the conditions set forth herein, will protect instream beneficial uses and will not violate applicable water quality standards. The Board finds that the effect of the impacts, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment to state waters or fish and wildlife resources.

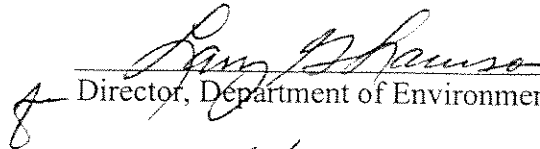
Permittee: Virginia Department of Corrections

Address: 6900 Atmore Drive, Richmond, VA 23225

Activity Location: Goochland County, Virginia

Activity Description: The construction and operation of a water supply intake system on the James River in Goochland County, Virginia.

The permitted activity shall be in accordance with this Permit Cover Page, the Part I - Special Conditions, and the Part II - General Conditions.


Director, Department of Environmental Quality

Date

6/16/03

A. Authorized Activities

This permit authorizes:

1. The permanent placement of fill material in 340 square feet (0.008 acres) of the James River for the purposes of constructing a new water intake structure.
2. The permanent placement of fill material in 1,270 square feet (0.03 acres) of emergent wetland along the James River for the purposes of constructing a new water intake structure.
3. The temporary placement of fill material in 3,410 square feet (0.078 acres) of the James River for construction of the new water intake structure.
4. The temporary placement of fill material in 310 square feet (0.007 acres) of an unnamed ditch for installation of water transmission lines and construction of the new water intake structure.
5. The temporary placement of fill material in 460 square feet (0.011 acres) of emergent wetland along the James River for installation of water transmission lines and construction of the new water intake structure.
6. The withdrawal of surface water from the James River, not to exceed a *maximum daily* withdrawal of 2.0 million gallons; a *maximum instantaneous* withdrawal rate of **2,292 gallons per minute**; and a *maximum annual* withdrawal of 730 million gallons. Withdrawals shall be authorized only when the permit conditions in Part I, Section E are met.
7. The temporary use of mechanical equipment in surface waters when conducted according to the permit conditions herein.

B. Standard Project Conditions

1. The project activities shall be adhered to as described in the original Joint Permit Application, in responses to requests for information, in any subsequent submittals approved by DEQ, and in all permit conditions.
2. This permit is valid for **15 years** from the date of issuance. A new permit may be necessary for the continuance of the authorized activities or any permit requirement that has not been completed, including compensation provisions. An original permit term or

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re-issuance permit term, plus any extensions granted, cannot exceed the maximum of 15 years.

3. The permittee shall notify the DEQ-Central Office of any additional impacts to surface waters, including wetlands, or any change to the type of surface water impacts associated with this project. Any additional impacts to surface waters, including wetlands, or any change to the type of surface water impacts, shall be subject to individual permit review and/or modification of this permit. Compensation may be required.
4. Construction monitoring, compensation success monitoring, and water withdrawal monitoring shall be conducted in accordance with the permit conditions in Part I, Section G.
5. The activities authorized by this permit shall be executed in a such a manner as to minimize any adverse impact on stream beneficial uses, as defined in § 62.1-10(b) of the Code of Virginia.
6. No activity shall substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area, unless the primary purpose of the activity is to impound water, or the activity is otherwise authorized by this permit. Culverts placed in streams shall be installed to maintain low flow conditions.
7. The permittee shall conduct in-stream activities in accordance with the time-of-year (TOY) restrictions of **March 15 through June 30** for anadromous fish and **May 15 through July 31** for mussel species, as recommended by the Department of Game and Inland Fisheries. The permittee shall maintain a copy of such TOY restrictions for the entire duration of project construction.
8. No activity may cause more than minimal adverse effect on navigation.
9. The activity shall not impede the passage of normal or expected high flows. No more than 50% of stream flow shall be blocked with temporary or permanent structures during in-stream construction. Flows downstream of the project area shall be maintained to protect all uses.
10. All excavation, dredging, and/or filling in surface waters shall be accomplished in a manner that minimizes stream bottom disturbances and turbidity increases. All in-stream activities shall be conducted during low-flow conditions.
11. Virginia Water Quality Standards shall not be violated in any surface water as a result of the project activities.

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12. All construction, construction access (i.e., cofferdams, sheetpiling, and causeways), and demolition activities associated with this project shall be accomplished in a manner that minimizes construction or waste materials from entering surface waters to the maximum extent practicable, unless authorized by this permit.
13. Untreated stormwater runoff shall be prohibited from directly discharging into any surface waters. In accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, appropriate best management practices (BMP) shall be deemed suitable treatment prior to discharge into surface waters.
14. The permittee shall employ measures to prevent spills of fuels, lubricants, or other pollutants into surface waters. Wet or uncured concrete shall be prohibited from entry into flowing surface waters. Temporary in-stream construction features, such as cofferdams, shall be made of non-erodible materials.
15. This permit does not authorize the permittee to discharge from the intake structure or its attendant lines. Any pollutant discharge from this source may be subject to the provisions of the State Water Control Board's Virginia Pollution Discharge Elimination System (VPDES) Permit Program.
16. All fill material shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.
17. Temporary disturbances to wetlands, stream banks, and stream channels during construction shall be avoided and minimized to the maximum extent practicable. Temporarily disturbed areas shall be returned to original contours, stabilized within **30 days** following completion of work in the area, and restored to the original vegetated state.
18. Machinery in temporarily impacted surface waters shall be placed on mats or geotextile fabric, or other suitable measures shall be implemented, to minimize soil disturbance to the maximum extent practical. Mats, fabrics, or other measures shall be removed as soon as the work is complete.
19. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992. These controls shall be placed prior to clearing and grading activities and maintained in good working order to minimize impacts to surface waters. These controls shall remain in place until the area stabilizes.

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20. Any exposed slopes or streambanks shall be stabilized immediately upon completion of work in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
21. All materials, including fill, construction debris, excavated materials, and woody materials, that are temporarily stockpiled in wetlands shall be placed on mats or geotextile fabric, immediately stabilized to prevent the material or leachate from entering surface waters, and entirely removed within **30 days** following completion of that construction activity. Disturbed areas shall be returned to original contours, stabilized within **30 days** following removal of the stockpile, and restored to the original vegetated state.
22. All non-impacted surface waters within the project or right-of-way limits that are within fifty feet of any project activities shall be clearly flagged or demarcated for the life of the construction activity within that area. The permittee shall notify all contractors and subcontractors that no activities are to occur in these marked areas.

C. Stream Modification and Streambank Protection

1. Redistribution of existing stream substrate for erosion control purposes is prohibited.
2. Material removed from the stream substrate shall not be deposited into surface waters.
3. If applicable, riprap bank stabilization shall be of an appropriate size and design as per the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.
4. For streambank protection activities, structures and backfill shall be placed as close to the streambank as practical. No material shall be placed in excess of the minimum necessary for erosion protection.
5. All streambank protection structures shall be located to eliminate or minimize impacts to vegetated wetlands to the maximum extent practical.

D. Utilities

1. All utility line work in surface waters shall be performed in a manner that minimizes disturbance in each area, and each area shall be returned to its original contours and stabilized within **30 days** of completing work in said area, unless otherwise authorized by this permit.
2. Material resulting from trench excavation may be temporarily sidecast into wetlands not to exceed a total of **90 days**, provided the material is not subject to dispersion by currents or other forces.

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3. The trench for a utility line cannot be constructed in a manner that drains wetlands (i.e., backfilling with extensive gravel layers creating a French-drain effect).

E. Water Withdrawals

1. Water withdrawal rates and volumes shall comply with the limits set forth in Part I, Section A. Water withdrawal monitoring and reporting shall comply with Part I, Sections G.7, G.8, and H.17 through H.20.
2. The water withdrawal intake structure screen(s) shall be designed, constructed, and maintained to prevent the impingement or entrapment of fish. The intake screen(s) slot size shall not exceed 1 millimeter. The maximum water velocity across the intake screen(s) shall not exceed 0.24 feet per second. Should the configuration of the intake structure result in excessive fish mortality, as determined by the State Water Control Board, the permittee shall undertake measures to eliminate mortality.
3. The permittee shall request that all users of water withdrawn under this permit to follow voluntary conservation at any time that the County of Henrico, Virginia calls for voluntary conservation measures to be followed.
4. The permittee shall implement its mandatory conservation plan at any time that the County of Henrico, Virginia implements mandatory conservation measures.
5. During mandatory water conservation, the permittee may not sell, lease, or gift water unless the customer(s) is(are) subject to a water conservation plan as strict as the permittee's conservation plan and in effect at the same time as the permittee's conservation plan.
6. Withdrawal of water from the water supply intake structure is not authorized until the permittee receives written approval of its water supply conservation plan from DEQ-Central Office.

F. Compensation

1. The permittee shall compensate for 0.030 of an acre of permanent, emergent wetland loss along the James River through preservation of emergent wetland along the James River, totaling approximately 0.034 of an acre in area.
2. The permittee shall compensate for 340 square feet of permanent stream loss along the James River through restoration of riparian buffer, totaling approximately 15,000 square feet in area.

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3. All temporarily disturbed wetland areas shall be stabilized within **30 days** of completing work, restored to pre-construction conditions, and planted or seeded with appropriate wetland vegetation according to cover type (emergent, scrub/shrub, or forested). The permittee shall take all appropriate measures to promote revegetation of temporarily disturbed wetland areas with wetland vegetation by the **second year** post-disturbance.
4. All temporary fills in surface waters shall be removed in their entirety. All temporarily filled and/or excavated areas in surface waters shall be returned to pre-existing contours.
5. The final compensation plan as approved by DEQ shall be an enforceable requirement of this permit (see Part I, Section G.12). Any deviation from the approved final plan must be submitted to DEQ-Central Office for approval **in advance** of implementation.
6. The final compensation plan shall include protection of wetland and riparian buffer areas (compensation areas) by means of a conservation easement (protective instrument). These areas shall be surveyed or platted within **120 days** of final plan approval, and the survey or plat shall be recorded in accordance with the specifications given below. The protective instrument shall restrict uses within these platted compensation areas. Unless specifically authorized by DEQ through the issuance of a VWP individual permit, modification of this permit, or waiver thereof, restricted uses shall include ditching, land clearing, filling, dumping, excavating, draining, flooding, or impounding. Restricted uses shall not include maintenance or corrective action measures authorized by DEQ. Such protective instrument shall contain the specific phrase "ditching, land clearing or discharge of dredge or fill material" in the limitations placed on the use of these areas. The protective instrument shall be recorded in the Chain-of-Title to the property. Proof of recordation shall be submitted within **60 days** of survey or plat approval. This requirement is intended to preserve the integrity of compensation areas and to ensure that additional impacts to surface waters do not occur.
5. Planting of woody plants shall occur when vegetation is normally dormant unless otherwise approved in the final compensation plan.
6. Rooted seedlings or cuttings shall originate from a local nursery or be adapted to local conditions. Vegetation shall be native species common to the area, shall be suitable for growth in local riparian conditions, and shall be from areas within approximately 200 miles from the project site.
7. The installation of root wads, vanes, and other instream structures, shaping of the stream banks, and channel relocation construction shall be completed in the dry whenever practicable.

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8. All heavy equipment used for restoration activities shall be placed on temporary mats or geotextile fabric, or other suitable, temporary measures are to be used, in order to minimize soil disturbance to the maximum extent practicable. Temporary access materials shall be removed entirely as soon as the work is complete.
9. All vegetation removal for abatement and control purposes shall be done by manual means, unless authorized by DEQ in advance. Herbicides or algicides shall not be used in or immediately adjacent to compensation areas without prior authorization by DEQ.

G. Monitoring

Construction

1. The permittee shall conduct photographic monitoring of all construction activities occurring in jurisdictional areas covered by this permit. Photographic monitoring in said construction areas shall occur **prior to** commencement of construction in a particular area, **at the end of** each month during construction in that area, and **within one week** after completing construction activities in the area.
2. An enumerated photo station shall be established at each construction site in jurisdictional areas, whose directional orientation shall remain constant during all monitoring events.
3. Photographs taken at each construction site in jurisdictional areas shall document site activities and conditions, which may include installation and maintenance of erosion and sediment controls; flagged non-impact surface waters; construction access and staging areas; filling, excavation, and dredging activities; culvert installation; dredge disposal; and site stabilization, grading, and associated restoration activities. When construction activities are dormant in a particular jurisdictional area covered by this permit, photographs at that area shall not be required until construction activities resume in that area.
4. Each photograph taken at construction sites in jurisdictional areas shall be labeled to include the permit number, the jurisdictional area covered by this permit, the photo station number, the date and time of the photograph, the name of the person taking the photograph, the photograph orientation, and a brief description of the construction activity (if a construction activity is occurring at the time of the photograph).

Compensation

5. The permittee shall conduct photographic monitoring of all temporarily disturbed surface waters covered by this permit. Photographic monitoring of temporarily disturbed surface

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waters shall occur after construction in a particular area is complete and shall document that the area has been restored in compliance with the permit conditions.

6. Photographic monitoring and data collection within the riparian buffer restoration area shall be required for **two consecutive years** after area planting is completed.
 - a. Photographic monitoring within the riparian buffer restoration area shall be conducted prior to restoration activities, within **one week** of completion of those activities, and then once **in August or September** of each monitoring year. Photographs shall document the restoration activities and conditions, which may include installation of plant material, watering, and surface erosion and sediment controls, as applicable.
 - b. Photos of the riparian restoration area shall be taken from an upstream and a downstream view, and at least one photo shall be facing the restoration area from the landward side.
 - c. Each photograph shall be labeled to include the permit number, the photo orientation, the date and time of the photograph, the name of the person taking the photograph, and a brief description of the captured activity.
 - d. Data collection shall occur **in August or September** of each monitoring year and shall consist of recording: the establishment of woody vegetation, both planted and volunteer species, expressed as percent cover; the percentage of planted woody species that have died; the presence and species of vegetation considered to be invasive (at a minimum, the species listed on Department of Conservation and Recreation's Invasive Alien Plant Species of Virginia list); and evidence of the use of restoration area by terrestrial and/or aquatic wildlife.

Water Withdrawal

7. The permittee shall implement voluntary level and mandatory level water use restrictions based on the implementation of each level by the County of Henrico, Virginia. Specifically, each time that the County of Henrico calls for voluntary conservation measures, and each time that the County of Henrico implements mandatory conservation measures, the permittee shall do the same. The measures implemented by the permittee shall be subject to all users of water withdrawn under this permit. The non-essential uses that trigger mandatory conservation measures under the County of Henrico Mandatory Water Conservation Plan (as approved by DEQ on February 11, 2003) shall be those provided in Attachment A of this permit.

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8. The permittee shall document mandatory conservation data, which shall include the date and time of each mandatory conservation occurrence and the initials of the person recording the data.

H. Required Notifications and Submittals

General

1. All written communications required by this permit shall be submitted to the Virginia Department of Environmental Quality, Office of Water Permits, 629 East Main Street, Richmond, Virginia 23219 (DEQ-Central Office). The permit number shall be included on all correspondence.
2. All reports required by this permit and other information requested by DEQ shall be signed by the applicant or a person acting in the applicant's behalf with the authority to bind the applicant. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above; and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization shall be submitted to DEQ prior to or together with any separate information, or applications to be signed by an authorized representative.

3. All submittals required by this permit, and signed by the applicant, agent, or permittee, shall contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
4. Any fish kills or spills of fuels or oils shall be reported **immediately** upon discovery. If spills or fish kills occur between the hours of 8:15 AM to 5:00 PM Monday through

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Friday, DEQ-Central Office shall be notified at 804-698-4000; otherwise, the Virginia Department of Emergency Management shall be notified at 1-800-468-8892.

5. Violations of Virginia Water Quality Standards shall be reported within **24 hours** to DEQ-Central Office at 804-698-4000.
6. DEQ-Central Office shall be notified within **24 hours or as soon as possible on the next business day** when potential environmentally threatening conditions are encountered which require debris removal or involve potentially toxic substances. Measures to remove the obstruction, material, or toxic substance, or to change the location of any structure, are prohibited until approved by DEQ.

Construction

7. Final Plans and Specifications for activities authorized by this permit shall be submitted **prior to** the beginning of each construction component. Construction shall be performed in accordance with the submitted Plans and Specifications. Any changes to the final construction plans in permitted areas shall be submitted to DEQ-Central Office **prior to** construction activities.
8. DEQ-Central Office shall be notified in writing at least **ten days** prior to the initiation of construction activities authorized under this permit so that inspections can be planned, if deemed necessary. The notification shall include identification of the impact areas at which work will occur and a projected schedule for completing work at each permitted impact area.
9. Construction monitoring reports shall be submitted to DEQ-Central Office within **15 days** of each monitoring event. The reports shall include, as appropriate, the following:
 - a. A written narrative describing the work performed at each construction site in jurisdictional areas, with emphasis on activities conducted to comply with the permit conditions; dates on which the work at each construction site in jurisdictional areas was initiated and/or completed; a summary of permit non-compliance events or problems encountered, the subsequent notifications, and the corrective actions taken; a summary of anticipated work to be completed during the next reporting period (if applicable); and any changes to the completion date for the entire project.
 - b. A labeled site map depicting all impact areas and photo stations.
 - c. Properly labeled photographs as described in Part I, Section G.1 through G.4.

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Compensation

10. Written notification shall be submitted to DEQ-Central Office within **30 days** of restoring all temporarily disturbed surface waters. The notification shall include monitoring photos per Part I, Section G.5.
11. The permittee shall submit a final compensation plan to DEQ-Central Office within **180 days** of commencing restoration activities.
12. The final compensation plan shall include, at a minimum: a narrative of the planned restoration and preservation activities; a detailed description of applicable streambank stabilization activities; riparian buffer plantings (i.e., scheme, species, width); structures and features necessary for the success of the site; the schedule for restoration activities; a location map, including latitude and longitude (to the nearest second) at the center of the restoration area; restoration area access plan; proposed success criteria for riparian buffer; and the location of photo stations, vegetation sampling points; an abatement and control plan for undesirable plant species, including at a minimum, the species listed on DCR's Invasive Alien Plant Species of Virginia list; an erosion and sedimentation control plan for restoration activities; and livestock access limiting measures (if applicable).
13. DEQ-Central Office shall be notified in writing at least **ten days** prior to the initiation of restoration activities. The notification shall include a projected schedule of activities and completion.
14. Written notification shall be submitted to DEQ-Central Office within **30 days** of completing riparian buffer restoration activities. The notification shall include monitoring photos per Part I, Section G.6.
15. Subsequent compensation monitoring reports shall be submitted by **November 30th** of each monitoring year. The report shall include, the following:
 - a. A location map that identifies the compensation area.
 - b. Summary of activities completed during the monitoring year.
 - c. Description of monitoring methods.
 - d. Discussion of the establishment of vegetation.
 - e. Discussion of wildlife or signs of wildlife observed at the compensation site.
 - f. Properly labeled photographs as described in Part I, Section G.6.

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- g. Comparison of site conditions from the previous monitoring year.
 - h. Discussion of alterations, maintenance, and corrective actions conducted at the stream compensation site.
16. If the compensation area fails to be established at the end of the second monitoring year, and as per the success criteria approved in the final compensation plan, the reasons for this failure shall be determined, and a corrective action plan, schedule, and monitoring plan shall be submitted to DEQ-Central Office within **30 days** after submittal of the second year's monitoring plan. The permittee shall be responsible for correcting all compensation area problems. Should significant changes be necessary to ensure success, the monitoring period shall be extended until success is achieved. The success of the compensation areas shall be based on maintaining riparian vegetation in accordance with the success criteria included in the approved final compensation plan.

Water Withdrawal

17. The permittee shall submit a written water supply conservation plan for approval by DEQ-Central Office, in accordance with Part I, Section G.7. The plan shall include the non-essential uses that shall be prohibited under mandatory water conservation (see Attachment A); the measures that the permittee shall use to notify its customers of the need for voluntary and mandatory conservation; and the measures that shall be used to enforce the mandatory prohibitions, including any necessary coordination with representatives of the customers to which water is sold, leased, or gifted.
18. The permittee shall submit the mandatory conservation data described in Part I, Section G.8 for the previous permit year to DEQ-Central Office by January 31st of following year.
19. Applicable to users whose average daily withdrawal during any single month exceeds 10,000 gallons per day: The permittee shall report water withdrawals to DEQ-Central Office by **January 31st** of the next year, as required under State Water Control Board (SWCB) Water Withdrawal Reporting Regulation (9 VAC 25-200 et seq.). The annual monitoring report shall contain the following information: the permittee's name and address, the sources and locations of water withdrawal, the cumulative volume of water withdrawn each month of the calendar year, the maximum day withdrawal and the month in which it occurred, and the method of withdrawal measurement.

Alternatively, for permittees subject to the Virginia Department of Health (VDH) Waterworks Regulations, annual reports to DEQ-Central Office may include the source

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and location of water withdrawals, the type of use for the water withdrawn, and reference to the reports filed with VDH (containing monthly withdrawal data).

20. All records and information resulting from the monitoring activities required by this permit, including any records of maintenance activities to the withdrawal system, shall be retained for the life of the permit. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or as requested by the State Water Control Board.

Part II - General Conditions

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A. Duty to Comply

The permittee shall comply with all conditions of the VWP permit. Nothing in the VWP permit regulations shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, and prohibitions. Any VWP permit violation is a violation of the law and is grounds for enforcement action, VWP permit termination, revocation, modification, or denial of an application for a VWP permit extension or re-issuance.

B. Duty to Cease or Confine Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the activity for which a VWP permit has been granted in order to maintain compliance with the conditions of the VWP permit.

C. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any impacts in violation of the permit that may have a reasonable likelihood of adversely affecting human health or the environment.

D. VWP Permit Action

1. A VWP permit may be modified, revoked and re-issued, or terminated as set forth in 9 VAC 25-210 et seq.
2. If a permittee files a request for VWP permit modification, revocation, or termination, or files a notification of planned changes or anticipated noncompliance, the VWP permit terms and conditions shall remain effective until the request is acted upon by the Board. This provision shall not be used to extend the expiration date of the effective VWP permit. If the permittee wishes to continue an activity regulated by the VWP permit after the expiration date of the VWP permit, the permittee must apply for and obtain a new VWP permit or comply with the provisions of 9 VAC 25-210-185 (VWP Permit Extension).
3. VWP permits may be modified, revoked and re-issued, or terminated upon the request of the permittee or other person at the Board's discretion, or upon Board initiative to reflect the requirements of any changes in the statutes or regulations, or as a result of VWP permit noncompliance as indicated in the Duty to Comply subsection above, or for other reasons listed in 9 VAC 25-210-180 (Rules for Modification, Revocation and Re-issuance, and Termination of VWP permits).

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E. Inspection and Entry

Upon presentation of credentials, any duly authorized agent of the Board may, at reasonable times and under reasonable circumstances,:

1. Enter upon any permittee's property, public or private, and have access to, inspect and copy any records that must be kept as part of the VWP permit conditions;
2. Inspect any facilities, operations or practices (including monitoring and control equipment) regulated or required under the VWP permit, and;
3. Sample or monitor any substance, parameter or activity for the purpose of ensuring compliance with the conditions of the VWP permit or as otherwise authorized by law.

F. Duty to Provide Information

1. The permittee shall furnish to the Board any information which the Board may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating the VWP permit, or to determine compliance with the VWP permit. The permittee shall also furnish to the Board, upon request, copies of records required to be kept by the permittee.
2. Plans, specifications, maps, conceptual reports, and other relevant information shall be submitted as required by the Board prior to commencing construction.

G. Monitoring and Records Requirements

1. Monitoring of parameters other than pollutants, if required by this permit, shall be conducted according to approved analytical methods specified in these permit conditions. Analysis of pollutants will be conducted according to 40 CFR Part 136 (2000), Guidelines Establishing Test Procedures for the Analysis of Pollutants.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
3. The permittee shall retain records of all monitoring information, including calibration and maintenance records, original strip chart or electronic recordings for continuous monitoring instrumentation, copies of all reports required by the VWP permit, and records of all data used to complete the application for the VWP permit, for a period of at least three years from the date of the expiration of a granted VWP permit. This period may be extended by request of the Board at any time.
4. Records of monitoring information shall include:
 - a. The date, exact location, and time of sampling or measurements;

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- b. The name of the individuals who performed the sampling or measurements;
- c. The date and time the analyses were performed;
- d. The name of the individuals who performed the analyses;
- e. The analytical techniques or methods supporting the information such as observations, readings, calculations, and bench data used;
- f. The results of such analyses; and
- g. Chain-of-custody documentation.

H. Transferability

This VWP permit may be transferred to a new permittee only by modification to reflect the transfer, by revoking and re-issuing the permit, or by automatic transfer. Automatic transfer to a new permittee shall occur if:

- 1. The current permittee notifies the Board within 30 days of the proposed transfer of the title to the facility or property;
- 2. The notice to the Board includes a written agreement between the existing and proposed permittee containing a specific date of transfer of VWP permit responsibility, coverage and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability for compliance with the requirements of any enforcement activities related to the permitted activity; and
- 3. The Board does not within the 30-day time period notify the existing permittee and the new permittee of its intent to modify or revoke and re-issue the VWP permit.

I. Property rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.

J. Re-opener

Each VWP permit shall have a condition allowing the re-opening of the permit for the purpose of modifying the conditions in order to meet new regulatory standards duly adopted by the Board. Cause for re-opening VWP permits may include substantial or material changes in project circumstances, on which the previous VWP permit was based, or special studies conducted by the Board or the permittee, which show material and substantial change

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since the time the permit was issued and thereby justifying permit modification or revocation and re-issuance.

K. Compliance with State and Federal Law

Compliance with this VWP permit constitutes compliance with the VWP permit requirements of the State Water Control Law. Nothing in this VWP permit shall be construed to preclude the institution of any legal action under or relieve the permittee from any responsibilities, liabilities, or other penalties established pursuant to any other state law or regulation or under the authority preserved by § 510 of the Clean Water Act.

L. Severability

The provisions of this VWP permit are severable.

M. Permit Modification

A VWP permit may be modified, but not revoked and re-issued except when the permittee agrees or requests, when any of the following developments occur:

1. When additions or alterations have been made to the affected facility or activity which require the application of VWP permit conditions that differ from those of the existing VWP permit or are absent from it;
2. When new information becomes available about the operation or activity covered by the VWP permit which was not available at VWP permit issuance and would have justified the application of different VWP permit conditions at the time of VWP permit issuance;
3. When a change is made in the promulgated standards or regulations on which the VWP permit was based;
4. When it becomes necessary to change final dates in schedules due to circumstances over which the permittee has little or no control such as acts of God, materials shortages, etc. However, in no case may a compliance schedule be modified to extend beyond any applicable statutory deadline of the Act;
5. When changes occur which are subject to "re-opener clauses" in the VWP permit; or
6. When the Board determines that minimum instream flow levels resulting from the permittee's water withdrawal are detrimental to the instream beneficial use, when water withdrawal should be subject to further net limitations, or when an area is declared a Surface Water Management Area pursuant to §§ 62.1-242 through 62.1-253 of the Code of Virginia, during the term of the VWP permit.

N. Permit Termination

After notice and opportunity for a formal hearing pursuant to Procedural Rule No. 1 (9 VAC 25-230-100) a VWP permit can be terminated for cause. Causes for termination are as follows:

1. Noncompliance by the permittee with any condition of the VWP permit;
2. The permittee's failure in the application or during the VWP permit issuance process to disclose fully all relevant facts or the permittee's misrepresentation of any relevant facts at any time;
3. The permittee's violation of a special or judicial order;
4. A determination by the Board that the permitted activity endangers human health or the environment and can be regulated to acceptable levels by VWP permit modification or termination;
5. A change in any condition that requires either a temporary or permanent reduction or elimination of any activity controlled by the VWP permit; and
6. A determination that the permitted activity has ceased and that the compensatory mitigation for unavoidable adverse impacts has been successfully completed.

O. Civil and Criminal Liability

Nothing in this VWP permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and Hazardous Substance Liability

Nothing in this VWP permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under § 311 of the Clean Water Act or §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Unauthorized Discharge of Pollutants

Except in compliance with this VWP permit, it shall be unlawful for the permittee to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;

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3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, to animal or aquatic life, to the uses of such waters for domestic or industrial consumption, for recreation, or for other uses; and
4. On or after October 1, 2001 conduct the following activities in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions
 - b. Filling or dumping
 - c. Permanent flooding or impounding
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions

R. Permit Extension

Any permittee with an effective VWP permit for an activity that is expected to continue after the expiration date of the VWP permit, without any change in the activity authorized by the VWP permit, shall submit a written notification requesting an extension. The permittee must file the request prior to the expiration date of the VWP permit. Under no circumstances will the extension be granted for more than 15 years beyond the original effective date of the VWP permit or permit re-issuance. If the request for extension is denied, the VWP permit will still expire on its original date and, therefore, care should be taken to allow for sufficient time for the Board to evaluate the extension request and to process a full VWP permit modification, or new VWP permit application, if required.

Attachment A

MANDATORY WATER CONSERVATION PLAN

CATEGORY	WATER USE REDUCTION MEASURES ¹ (MANDATORY MEASURES) ²
1. All Uses	<ul style="list-style-type: none"> • 5 Basic conservation measures. • Recycling exempted. • Education program to encourage use reductions by any means available.
2. Fountains	<ul style="list-style-type: none"> • Prohibited.
3. Paved Areas (Streets, Drives, Patios, Walks, Etc.)	<ul style="list-style-type: none"> • Prohibited except for health and safety.
4. Swimming Pools	<ul style="list-style-type: none"> • Filling is generally prohibited, except for pools used by health care facilities for patient care and rehabilitation. New or repaired pools may be filled as needed to maintain structural integrity. • Indoor pools may be filled as needed to ensure swimmer health and safety.
5. Vegetable Gardens, Flowers, Trees and Shrubs	<ul style="list-style-type: none"> • Watering is limited to three (3) days per week by address. Addresses ending with an odd number may water only on Tuesday, Thursday and Saturday. Addresses ending with an even number, or with no number, may water only on Wednesday, Friday and Sunday. • Bucket watering (5 gall. max.) permitted any time.
6. Vehicle Washing (Commercial Businesses Exempt)	<ul style="list-style-type: none"> • Prohibited, except that commercial car washes are permitted to operate under normal conditions. • Automotive related agencies may wash vehicles under normal conditions, except for corporate vehicle fleets.
7. Restaurants	<ul style="list-style-type: none"> • Serve water to customers only on request.
8. Public Utilities	<ul style="list-style-type: none"> • Restrict to health and safety needs.
9. Existing Lawns	<ul style="list-style-type: none"> • Watering is prohibited • Bucket watering (5 gallon maximum) permitted any time.
10. New Lawns	<ul style="list-style-type: none"> • New lawns may be watered for up to 30 days. "New" lawns do not include refurbishment of established lawns by means of aeration and seeding, thatching and seeding, or power overseeding.
11. Golf Courses	<ul style="list-style-type: none"> • Watering of tees and greens is permitted daily between the hours of 8:00 p.m. and 8:00 a.m. New fairways may be watered up to 30 days. Hand held hose (1-inch diameter max.) watering is permitted anytime. • All other watering is prohibited.

¹ Measures in addition to those listed may be imposed on user categories listed and other user categories by action of local government.

² Noncompliance is subject to enforcement action.